BOARD OF PILOT COMMISSIONERS FOR THE BAYS OF SAN FRANCISCO, SAN PABLO, AND SUISUN

INCIDENT REVIEW COMMITTEE INVESTIGATION REPORT

REPORT OF THE INTERACTION BETWEEN THE M/V JIANGMEN TRADER AND THE M/V STRATEGIC ALLIANCE WHILE PASSING BERTH #6, PORT OF PITTSBURG, ON JULY 23, 2020
PILOTS: CAPTAIN KRIS LAAKSO

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I. INTRODUCTION

1. On the afternoon of July 23, 2020, the M/V JIANGMEN TRADER (hereinafter JIANGMEN TRADER) was enroute to the Port of Stockton, with Captain Laakso conning.

2. The M/V STRATEGIC ALLIANCE (hereinafter STRATEGIC ALLIANCE) was alongside at Pittsburg, Berth 6.

3. As they passed Berth 6, where the STRATEGIC ALLIANCE was docked, interaction between the vessels caused the STRATEGIC ALLIANCE to be pulled away from the pier, parting a single spring line.

4. There were no injuries to persons and no damage to the dock. None of the other ships moored in Pittsburg experienced any damage.

5. The Incident Review Committee consisted of Commissioner Jennifer Ferrera Schmid as Chairman and Executive Director Allen Garfinkle. The IRC prepared this report pursuant to California Harbors and Navigation Code Section 1180.3 and Title 7, California Code of Regulations Section 210.

6. Abbreviations in the report refer to the following:

- **IRC** – Incident Review Committee
- **SFBP** – San Francisco Bar Pilots
- **BOPC –** Board of Pilot Commissioners

II. FINDINGS OF FACTS

1. Vessel Identification and Description

The STRATEGIC ALLIANCE is a bulk carrier registered in Singapore. She was built in 2014.

Vessel Particulars:
Length: 590 feet Beam: 98 feet
Design Draft: 35 feet deep
Tonnage: 39,848 gross tons
Propulsion: Diesel Engine
Owner: SBC Alliance Pte Ltd.
Operator: Maritime Management Group

The JIANGMEN TRADER is a bulk carrier registered in Hong Kong, China. She was built in 2013.

Vessel Particulars:

Length: 587 feet Beam: 98
Design Draft: 34 feet deep
Tonnage: 37,673 gross tons
Propulsion: Diesel Engine
Owner: Jiangmen Trader Ltd.
Operator: Pacific Basin Shipping Limited

2. Date of vessel movement

Date and Time: July 23, 2020, approximately 1440 hours
Location: Port of Stockton, California

3. Identification of Pilots

San Francisco Bar Pilot: Captain Kris Laakso
BOPC trainee: Captain Dan Murney

4. Weather and Sea Conditions

A. Weather Conditions
The weather conditions in Pittsburg on July 23, 2020, at 1440 hours, were as follows:

a. Wind: W'ly at 15-20 knots
b. Visibility: good
c. Humidity: 60%
d. Temperature: 80-84º

B. Tidal Information

Calculated JIANGMEN TRADER under keel clearance at Pittsburg, California:

a. Controlling depth	=	35' 00"
b. Height of tide at 1440	=	+ 0 09"
c. Depth at 1440	=	35' 09"
d. Deep Draft		26' 07"
e. UKC at the time (1440)		9' 02"

5. Description of the Incident

A. On July 23, 2021, Captain Kris Laakso boarded the JIANGMEN TRADER just south of Alcatraz, bound for Stockton Berth 2 (SCK 2). The ship was inbound from sea.

B. Knowing that the STRATEGIC ALLIANCE was moored at Berth 6, in the vicinity of Pittsburg Point, Captain Laakso reduced the engine speed to dead-slow ahead to get the speed down.

C. Shortly after passing New York Point, the STRATEGIC ALLIANCE came into view.

D. The JIANGMEN TRADER passed the STRATEGIC ALLIANCE at approximately 1440.

E. As the JIANGMEN TRADER passed, the STRATEGIC ALLIANCE experienced interaction and the forward spring line parted. The STRATEGIC ALLIANCE effected temporary repairs to the line and redeployed it.

F. The JIANGMEN TRADER continued on to Stockton with no further issues.

6, Statements of Witnesses

A. Statement of the Pilot on the JIANGMEN TRADER

1) On July 23, 2020, he was piloting the JIANGMEN TRADER to Stockton from the city front.

2) The weather was good, and the New York Slough transit was normal for him.

3) He knew that there was a ship at Pittsburg Berth 6 that he had to slow down for.

4) Prior to going around Pittsburg point he reduced to dead-slow ahead to get the speed down.

5) He passed the STRATEGIC RELIANCE at approximately 1440 hours.

6) He was going as slow as he felt he safely could and was as far to the outer dedge of the channel as he could get.

B. Statement of the trainee on the JIANGMEN TRADER

1) On July 23, 2020, he was onboard the JIANGMEN TRADER as a trainee from south of Alcatraz to the Port of Stockton, Berth 2.

2) Shortly after passing New York Point, he sighted the STRATEGIC ALLIANCE at Pittsburg Berth 6.

3) The engines were reduced to dead-slow ahead to reduce speed for passing the moored vessel.

4) As the JIANGMEN TRADER approached Light 8, a turn to starboard was started to align with the next reach adjacent to Pittsburg Landing. This turn was adjusted to place the JIANGMEN TRADER very close to the northern edge of the channel, adjacent to Pittsburg Landing.

5) Due to his position in the wheelhouse, he was not able to observe the STRATEGIC ALLIANCE as they passed abeam.

C. Statement of the JIANGMEN TRADER Master (as reported by Commission Investigator)

1) While passing the STRATEGIC ALLIANCE, her and the Second Officer observed that all stern line of the STRATEGIC ALLIANCE were slack.

D. Statement of the Master of the STRATEGIC ALLIANCE

1) Vessels rope forward spring line parted due (to) the said vessel (M.V. JIANGMEN TRADER) passing at close quarter at higher speed about 9.0 knots.

2) The incident happened at 1442 hours LT on 23rd July, 2020 while vessel was moored alongside discharging. The parting was witnessed by duty AB (able seaman) and duty OOW (officer of the watch).

3) Immediately the remaining part of the parted rope was knotted as insufficient time for splicing and re-used to keep vessel alongside.

E. Statement of STRATEGIC ALLIANCE Master (from his Notice of Protest)

1) At 1442 (hours) LT, (the) JIANGMEN TRADER passing abeam at 0.08 nm with a speed of 8.5 knots, loaded up until her SD. 01 NO: Fwd. spring line parted with a loud noise.

2) Discharge OPS (operations) stopped. Bow swung out by 15 mts.(meters) and vessel moved ahead by 29 odd mtrs.(meters).

3) Immediately engines notified. Anchors made ready.

7, Other Information

Mooring of the STRATEGIC ALLIANCE

The Commission Investigator reported that there were three spring lines used in the mooring of the STRATEGIC ALLIANCE. All of the winches were hydraulic, but once a line was tight, the winch was put on the brake (with no automatic tensioning). He also noted that the parted spring line showed extensive wear.

When interviewing the Master of the JIANGMEN TRADER, he was told that when the JIANGMEN TRADER passed the STRATGIC ALLIANCE, the Master observed all the stern lines on the STRATEGIC ALLIANCE were slack.

Speed and position of the JIANGMEN TRADER

In his Notice of Protest, the master of the STRATEGIC ALLIANCE stated that the JIANGMEN TRADER passed his vessel at "close quarters" and at a speed of "high speed of 8.5 knots." Later in the Notice of Protest Statement of Facts of the Incident he added that the JIANGMEN TRADER passed abeam at 0.08 NM.

The Pilot's Statement to the Commission, he noted that he "reduced to dead-slow ahead on the reach before going around Pittsburg Point to get my speed down," and that he was "going as slow as he safely could and was as far to the outer edge of the channel as I could get." He noted that he had 0.8 knots of flood current predicted.

The Trainee on board the JIANGMEN TRADER confirmed, in his statement to the Commission, that the engine order was reduced to dead-slow ahead for the STRATEGIC ALLIANCE, and that the position of the ship in the channel was very close to the northern edge.

The pilot provided a "screen shot" of the ECDIS on the bridge of the JIANGMEN TRADER, as they passed the STRATEGIC ALLIANCE, which shows the speed as 6.3 knots prior to passing the STRATEGIC ALLIANCE, and another when abeam showing a speed of 6.0 knots, and also confirms the ship's position at the northern edge of the available water.

8. Estimate of Damages

The damage was limited to the parting of one mooring line. No cost estimates were provided, nor was it clear if the lines were a complete loss or a partial loss.

9. Names of Witnesses

The written, oral, or reported statements of witnesses included are as follows:

Capt. Kris Laakso	Pilot of the JIANGMEN TRADER
Capt. Dan Murney	Pilot trainee aboard the JIANGMEN TRADER
Capt. Tiwari	Master of the STRATEGIC ALLIANCE
Capt. Li Weitan	Master of the JIANGMEN TRADER

10. Nature and Extent of Injuries

None.

11. Relevant Records from U.S. Coast Guard (USCG)

This event did not rise to the level of a Serious Marine Incident and was not investigated by the USCG.

12. Pilot Licensee Background Information

A. Captain Laakso has been licensed since 2011 and commissioned by the Port of Stockton since 2014.

B. Captain Laakso was involved in an incident in 2012 aboard the M/V THEOTOKOS. In this event the ship's mast allided with the UPRR Bridge. It was determined that the Pilot Card provided to Captain Laakso had incorrect information, which was used to calculate the "air draft." The Board found for no misconduct and the case was closed with no further action.

III. ANALYSIS AND CONCLUSION BY THE IRC

Analysis

As with other cases of hydraulic interaction that the Board has considered, the rule of law applicable to a passing vessel is well established. Ordinarily, a ship passing piers or docks where other vessels are moored is obligated to proceed carefully and prudently so as to avoid creating unusual swells or suction which would damage craft properly moored or an installation along the shoreline. The moving vessel must take into consideration the reasonable effects to be anticipated from its speed and motion through the water and must take such precautions by way of reduction of speed or alteration of course as may be reasonably necessary to prevent such damage.[1]

Likewise, there is a well settled duty placed on the moored vessel and the facility it is moored to. Piers and docks along the shoreline are required to be kept in proper condition and vessels tied up there must be seaworthy and properly moored so as to resist ordinary and normal swells in narrow waters where heavy traffic may be anticipated. Some wash from passing vessels is bound to occur and must be anticipated and guarded against. Only unusual swells or suction which cannot be reasonably anticipated furnish the basis for a claim.[2]

To further complicate matters, when a moored vessel can establish that wake or suction caused damage to a vessel (or in this case, one mooring line), that it was properly moored to resist ordinary swell and suction normally to be anticipated, and that the swell or suction came from the passing vessel charged, the vessel so charged can exonerate itself from blame by a showing that they were proceeding in a "reasonable and cautious manner".[3]

And finally, there is some case law to suggest that if a pilot is acting reasonably and prudently under the circumstances, which can be construed to mean using the same level of skill commonly possessed by other local pilots, and using his best judgment, he should not be found in error even if damage occurs.[4]

[1] Shell Pipeline Corporation v. M/T CYS ALLIANCE, 1982 AMC 389 (E.D. La. 1981)
[2] Shell Pipeline Corporation v. M/T CYS ALLIANCE, 1982 AMC 389 (E.D. La. 1981)
[3] Shell Pipeline Corporation v. M/T CYS ALLIANCE, 1982 AMC 389 (E.D. La. 1981)
[4] Wilson v. Charleston Pilot Association, 57 F. 227, 231 (E.D. S. Carolina 1893)

It should be noted that the Board is not constrained to apply this case law when assessing whether there was pilot misconduct, but rather it serves as a guide for the purpose of analysis.

In consideration of these elements we have divided the analysis into four parts: Passage of the JIANGMEN TRADER, mooring of the STRATEGIC ALLIANCE, whether the JIANGMEN TRADER was proceeding in a reasonable and cautious manner, and was Captain Laakso's actions reasonable and prudent and made using his best judgment?

A. Passage of the JIANGMEN TRADER

1. When deciding if the JIANGMEN TRADER was proceeding carefully and prudently one needs to consider the overall circumstances surrounding the interaction. This would include where the vessel was positioned in the channel, the speed with which it was traveling, the maneuvering characteristics of the vessel, and any other influences that may affect the handling of the vessel, such as draft.

2. The JIANGMEN TRADER pilot, Captain Laakso, stated that they were passing the STRATEGIC ALLIANCE at 6.0 knots. This is corroborated by the ECDIS screen shot, showing the ship moving at between 6.3 knots through the water when abeam of the STRATEGIC ALLIANCE. As further corroboration, the Commission Investigator provided the IRC with a video he shot of the ECDIS playback on board the JIANGMEN TRADER which showed the same information.

3. The pilot on the JIANGMEN TRADER ordered dead-slow ahead on the engines well prior to passing the STRATEGIC ALLIANCE, and this was corroborated by the statement of the trainee accompanying him.

4. The pilot on the JIANGMEN TRADER also stated that he placed the ship as far to the outer edge of the channel as he could safely get. This is corroborated by the ECDIS screen shot provided by the pilot following the event.

B. Mooring of the STRATEGIC ALLIANCE

1. We noted that relevant case law states that moored vessels must be seaworthy and properly moored so as to resist ordinary and normal swells in narrow waters where heavy traffic may be anticipated. Some wash from passing vessels is bound to occur and must be anticipated and guarded against. Only unusual swells or suction which cannot be reasonably anticipated furnish the basis for a claim. When evaluating the seaworthiness and proper mooring of a vessel we need to examine the equipment and lines utilized in the mooring, how these lines were tended, and whether the suction was unusual and could not have been anticipated.

2. The Commission Investigator that went aboard STRATEGIC ALLIANCE was shown the bow and spring line arrangement. The vessel used three forward spring lines, one of which was led to a capstan with several turns. All of the mooring winches were hydraulic, with no automatic tensioners. Once a line was made tight, the brake was set.

3. The Commission Investigator noted that the parted spring line showed extensive wear.

4. The Captain and Second Officer, when interviewed by the Commission Investigator, stated that while passing the STRATEGIC ALLIANCE, they observed that all stern lines on the STRATEGIC ALLIANCE were slack.

5. In the deck log of the JIANGMEN TRADER, there was a note adjacent to 1436 hours on the day of the interaction, when the ship was abeam of New York Slough, light #7, noting that the "Master observed that M/V STRATEGIC ALLIANCE's all head lines slacked, when our vessel passed her, Pittsburg Berth 6." It appears that this note may have been added after the fact, as it is not included in the chronological progression of the log.

C. Was the JIANGMEN TRADER proceeding in a reasonable and cautious manner?

1. Even if it was established that wake or suction caused damage to a vessel (or in this case, the mooring lines), and that it was properly moored to resist ordinary swell and suction normally to be anticipated, and that the swell or suction came from the passing vessel charged, the vessel so charged can exonerate itself from blame by a showing that they were proceeding in a reasonable and cautious manner.

2. What is reasonable should be determined in light of the particular circumstance of the case, and reasonableness should be based on what a pilot of similar skill and experience would do. In this case Captain Laakso stated that he was aware of the moored vessel, began reducing his speed prior to passing Pittsburg Point, and placed the JIANGMEN TRADER as far to the outer edge of the channel as he could safely get. Due to the narrowness of the channel, there is a need to retain a certain amount of speed to maintain control of the ship, and that same narrowness limited Captain Laakso's ability to pass further abeam, as he was limited by the geographic position of the bank.

D. Were Captain Laakso's actions reasonable and prudent, and made using their best judgment?

1. There is case law to suggest that if a pilot is acting reasonably, prudently, and using his best judgment, that he should not be found in error even if damage did occur.[5]

2. Damage was suffered by the STRATEGIC ALLIANCE, parting a single line due to the interaction.

3. In this case, Captain Laakso's actions of recognizing that there was a need to reduce speed and to pass as far way as possible within the limits of the channel show good judgment, and appear both reasonable and prudent. That the moored vessel was taken into consideration and that Captain Laakso acted upon those considerations is evidence that his actions were made using his best judgment.

Conclusion

In conclusion, we should first consider whether the JIANGMEN TRADER was proceeding carefully and prudently. This requires a look at what factors contribute to hydraulic interaction. The major elements of hydraulic interaction are vessel speed, depth of water, and proximity to the moored object.

Of these three items, depth of water is not under the control of the pilot and proximity to the moored object is limited by the width of the channel. In this case, the ECDIS screen shots appear to show that Captain Laakso

[5] Wilson v. Charleston Pilot Association, 57 F. 227, 231 (E.D. S. Carolina 1893).

was on the northern edge of the channel, giving consideration to the effects of interaction.

This would leave speed through the water as the remaining variable. The evidence obtained shows a passing speed of six knots, nearly three knots less than the nine knots claimed by the master of the STRATEGIC ALLIANCE. There is a limit to how slow a ship can go and still maintain steerage, particularly in a following current. That limit is based on the how much risk is acceptable and the risk of losing control of your own ship must be balanced against the risk of the negative consequences of interaction with the moored vessel.

Based on Captain Laakso's position in the waterway and the reduction of speed to six knots, we are comfortable characterizing his actions as careful and prudent.

The next question is was the STRATEGIC ALLIANCE properly moored so as to resist ordinary and normal swells in narrow waters where heavy traffic may be anticipated. Some wash from passing vessels is bound to occur and must be anticipated and guarded against. Only unusual swells or suction which cannot be reasonably anticipated furnish the basis for a claim.

There is some evidence that the STRATEGIC ALLIANCE headlines and stern lines were slack at the time of the incident (and the Commission Investigator confirmed these lines were not on constant tension winches). While this would normally be evidence that the ship was not moored to resist ordinary and normal swells, we must consider that these line observations were made by the crew of the JIANGMEN TRADER, which has a degree of self-interest. We additionally note that the log entry concerning slack mooring lines appears to be made after the fact, making it less credible.

Perhaps more noteworthy than the condition of the STRATEGIC ALLIANCES mooring lines at the time of the event, is the Commission Investigator's observation that the single mooring line that parted "showed excessive wear." This evidence may indicate, at least for that line, that the ship was not moored so as to resist ordinary and normal swells.

If we decide that the STATEGIC ALLIANCE was not properly moored to resist ordinary and normal swells in narrow waters where heavy traffic is anticipated, our analysis may stop here. If not, then we must address the remaining analysis: Was the JIANGMEN TRADER proceeding in a reasonable and cautious manner, and even if not, were Captain Laakso's actions reasonable and prudent and made using his best judgment?

We believe there is evidence to support that the JIANGMEN Trader was proceeding in a reasonable and cautious manner, citing his reduction of speed and maneuvering to place the vessel on the northern side of the channel. The same evidence would be used to support an analysis of whether Captain Laakso's actions were reasonable and prudent and made using his best judgment.

In an effort to tie all four elements of this analysis together, the evidence that the JIANGMEN TRADER was proceeding carefully exists, there is evidence that the STRATEGIC ALLIANCE may not have been properly moored. In addition, we are comfortable portraying Captain Laakso's actions as reasonable, cautious, and prudent and made using his best judgment.

Combining this analysis with the fact that the damage was limited to the parting of one line that was characterized as having excessive wear, on balance we cannot conclude there was misconduct on the part of the pilot.

IV. IRC RECOMMENDATIONS TO THE BOARD

Based on the above analysis and conclusions the IRC recommends:

1. That the Board find for no pilot error for Captain Laakso in this case.

2. That this case be closed with no other action.

_____ _____

Jennifer Ferrera Schmid, Chairman Allen Garfinkle, Executive Director

List of Attachments (one page each unless otherwise indicated):

Attachment 1 – Initial Incident Report from the Port Agent dated July 24, 2020.
Attachment 2 – Report by the Master of the STRATEGIC ALLIANCE on the damage.
Attachment 3 – Letter of Protest by STRATEGIC ALLIANCE dated July 23, 2020.
Attachment 4 – Ship particulars from the JIANGMEN TRADER.
Attachment 5 – Pilot Card from the JIANGMEN TRADER.
Attachment 6 – Deck Log excerpt (rough) from the JIANGMEN TRADER.
Attachment 7 – Screen shots from the JIANGMEN TRADER ECDIS (4 pages).
Attachment 8 – Chartlets and satellite photo details of New York Slough (3 pages).
Attachment 9 – Pilot Statement (CONFIDENTIAL).
Attachment 10 – Statement by trainee on board JIANGMEN TRADER.
Attachment 11 – Commission Investigator's Report (CONFIDENTIAL)(2 pages).